

REMARKS

I. Status

Claims 22, 34-35, 44, 47-48, and 51 have been amended. No new matter has been added as a result. Claims 1-21 and 42 have been previously canceled. Accordingly, claims 22-41 and 43-52 are currently pending.

II. Specification

The reference to the related applications section of the specification has been amended based on the Examiner's request.

III. Objections

Claims 44 and 47 were objected to due to informalities. Claims 44 and 47 have been amended to address the informalities based on the Examiner's recommendations.

IV. Rejections Under 35 U.S.C. § 112

Claims 22-52 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 35-41 and 43-46 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, the Examiner asserts, regarding claims 22, 34-35, 48, and 51, that the limitation referring to the play scenario corresponding to a virtual position for display that is independent of a user's actual physical location is not disclosed in the specification. The Applicants respectfully disagree. Support for the language that the computer game play scenario corresponds to a virtual position for display on the user interface in which the virtual position is independent of the user's actual physical location may be found on at least page 18, lines 18-23 and page 19, line 29 – page 20, line 2 (wherein different computer games, such as a bot-fighter game and others, use geographic data for the game play scenario, such as a background, and the game play scenarios are not linked to the player's real position) of the patent application. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections.

Regarding claims 35-41 and 43-46, the Examiner asserts that the term "suitable for use" is a relative term that renders the claims indefinite. Even though Applicants may not agree with the Examiner, independent claim 35 has been amended to address the Examiner's rejection to further prosecution.

V. Rejections Under 35 U.S.C. § 103

Claims 22-24, 28-32, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. (U.S. 6,401,033)¹ in view of Trovato (U.S. 6,183,364) and Streets of SimCity (Wikipedia reference). Claims 25, 27, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Streets of SimCity, and in further view of Koller, et al. ("Virtual GIS," IEEE: 1995). Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Streets of SimCity, Koller, et al., and in further view of Yang, et al. (US 2002/0198694). Claims 35, 37, 41, 44-49, and 51-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Streets of SimCity, and Yang, et al. Claims 36, 38-40, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Streets of SimCity, Yang, et al., and in further view of Koller, et al. Claim 50 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Streets of SimCity, Yang, et al., and in further view of Halt, et al. (U.S. 6,343,301).²

Claim 22 and Dependents

Claim 22 recites, *inter alia*, "wherein at least a portion of the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game in a preset storyline."

¹ U.S. Pat. No. 6,401,033 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '033 patent should not be construed as limiting or narrowing the scope of the claims thereof.

² U.S. Pat. No. 6,343,301 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '301 patent should not be construed as limiting or narrowing the scope of the claims thereof.

Paulauskas, et al. disclose a system for providing entertainment and information to passengers and a driver to make the experience of traveling in an automobile more pleasant. (Paulauskas, et al., column 1, lines 55-58). The system disclosed uses geographic data, which is used for navigation, to provide games while driving. (Paulauskas, et al., column 5, lines 32-57). The system provides games that allow the driver to maintain focus on driving and the road while being entertained, such as a sign alphabet game or a trivia game.

Trovato discloses the use of two dimensional maps to create an electronic environment. (Trovato, column 2, lines 10-40). The electronic environment is used to control avatars that represent user personas in a virtual world. (Trovato, column 3, lines 57-58).

Neither Paulauskas, et al. nor Trovato discloses a computer game having a "play scenario." Trovato merely discloses a virtual world to control avatars that represent user personas, such as a second-life simulation, in which a person may act out activities. There is no teaching or suggestion of a scenario or predetermined theme that governs game play, such as gaming that allows a user to play in a preset storyline.

The Examiner asserts that it would have been obvious to modify Paulauskas, et al. and Trovato with the teachings of Streets of SimCity. The Streets of SimCity disclose different play modes and different levels of difficulty. However, if one modifies the combination of Paulauskas, et al. and Trovato with a preset storyline, that would go against the principle of operation of the combination. For example, Trovato discloses a virtual world for second-life simulation. It would not make sense to change that to a preset storyline play scenario because it would destroy the purpose of the second-life simulation.

Accordingly, claim 22 is allowable. Claims 23-33 depend, directly or indirectly, from allowable claim 22 and, therefore, are allowable for at least the same reasons.

Claim 34 and Dependents

Claim 34 recites, *inter alia*, "providing the second dataset and a geographic data tool set to develop a computer-game that depicts a real geographic locale as part of a play scenario having a preset storyline" and "wherein the geographic data

tool set is configured to extract data representing all road segments corresponding to a sub-area from the second dataset based on a location input."

The arguments above in regards to claim 22 also apply to claim 34.

Furthermore, there is no teaching of providing a geographic data tool set to develop a computer game in which the geographic data tool set is configured to extract data representing all road segments corresponding to a sub-area from the second dataset based on a location input.

Accordingly, claim 34 is allowable. Claim 47 depends from allowable claim 34 and, therefore, is allowable for at least the same reasons.

Claim 35 and Dependents

Claim 35 recites, *inter alia*, "providing a second set of data from the source database and a geographic data tool set to a second developer, the second set of data stored in a second computer-readable medium, wherein the second developer uses the second set of data and the geographic data tool set to develop computer games, wherein the second set of data represents at least some of the geographic features in the region as part of play scenarios of the computer games including respective preset storylines" and "wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area."

The arguments above in regards to claim 22 also apply to claim 35.

Furthermore, there is no teaching of providing a geographic data tool set to develop a computer game in which the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area.

The Examiner asserts that it would have been obvious to modify the proposed combination with the teachings of Yang, et al. Yang, et al. disclose systems and methods for geographically based analyses of traffic being carried over a wide scale traffic network. (Yang, et al., Abstract). A GIS database manager 12 may be used to query the GIS database, such as to process traffic variables. (Yang, et al., paragraph [0033]). However, even if one of ordinary skill in the art would have

combined the teachings of Yang, et al., there is still no disclosure of providing a geographic data tool set configured to request road segment data as a function of the spatial query to develop a computer-game. For example, the GIS database manager of Yang, et al. may be used by a map developer that maintains a navigation database, but the references do not disclose or suggest that such a feature or toolset is *sent or provided with* a geographic or navigation dataset to develop a game that depicts a real geographic locale as part of a play scenario. None of the references suggest or mention using such a tool to develop games.

Accordingly, claim 35 is allowable. Claims 36-41 and 43-46 depend from allowable claim 35 and, therefore, are allowable for at least the same reasons.

Claim 48

Claim 48 recites, *inter alia*, “providing the second dataset and a geographic data tool set to develop a computer-game that depicts a real geographic locale as part of a play scenario of a preset storyline” and “wherein the geographic data tool set is configured to request data representing road segments within a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area, and wherein the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point.”

The arguments above in regards to claims 22 and 35 also apply to claim 48. Accordingly, claim 48 is allowable.

Claim 51 and Dependents

Claim 51 recites, *inter alia*, “providing the dataset and a geographic data tool set to develop a computer-game that depicts the roads in the real world geographic locale as part of a play scenario of the computer game including a preset storyline” and “wherein the geographic data tool set is configured to request data representing road segments within a selected area from the dataset as a function of a spatial query, the spatial query defining the selected area.”

The arguments above in regards to claims 22 and 35 also apply to claim 51. Accordingly, claim 51 is allowable. Claims 49-50 and 52 depend from allowable claim 51 and, therefore, are allowable for at least the same reasons.

VI. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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